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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,720	03/29/2004	Byung-Jin Kim	1740-000011/US/COA	9364
30593 7590 09/02/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER CHEVALIER, ROBERT				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
09/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/810,720

**Applicant(s)**

KIM ET AL.

**Examiner**

ROBERT CHEVALIER

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 14 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 14, 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 14, 26-28, have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al (P.N. 2002/0057899) in view of both Murase et al (P.N. 6,424,797) and Mori et al (P.N. 2006/0239647).

Nakano et al discloses a video reproducing apparatus that shows substantially the same limitations recited in claims 1-2, including the feature of outputting an I picture

and a number of P-pictures as still picture based on reproduced video data as specified in the present claims 1-2. Applicant's attention is directed to Nakano et al's claim 13, wherein it is disclosed that reproducible video data is decoded using a decoding portion and video still picture data is generated from the decoded video data using still picture coding portion.

Nakano et al fails to specifically disclose the feature of the management data including management information indicating whether the video data includes the still picture as specified in the present claims 1-2.

Murase et al disclose a video recording/reproducing apparatus which includes the feature of the management data including management information indicating whether the video data includes the still picture as specified in the present claims 1-2. Applicant's attention is directed to Murase et al's column 6, lines 31-39, where it is disclosed management information including the capability of indicating whether still picture will be reproduced during the reproduction of the video data from the recording medium.

It would have been obvious to one skilled in the art to modify the Nakano et al video apparatus wherein the recording/reproducing means provided thereof would incorporate the capability of a management data including management information indicating whether the video data includes the still picture in the same conventional manner as is shown by Murase et al. The motivation is to have a better control during reproduction operation, thereby, increase the efficiency of the apparatus as suggested by Murase et al.

The proposed combination of Nakano et al and Murase et al indicated above fails to disclose the claimed feature of the management data including clock reference information and still presentation information that indicate how long the still picture is to be reproduced as specified in claims 1-2.

Mori et al discloses a video/still picture recording/reproducing apparatus that shows the feature of the management data indicating how long a still picture is to be reproduced as specified in the present claims 1-2. (See Mori et al's page 15, paragraph [0249]).

It would have been obvious to one skilled in the art to modify the proposed combination indicated above wherein the recording/reproducing means provided thereof would incorporate the capability of the management data including management information indicating how long a still picture is to be reproduced in the same conventional manner as is shown by Mori et al. The motivation is to have a better control during reproduction operation, thereby, increase the efficiency of the apparatus as suggested by Mori et al.

With regard to claim 3, the feature of the number of P-pictures being greater than 1 would be present in Nakano et al. (See Nakano et al's Figure 6).

5. Claims 14, 26-28, are rejected under 35 U.S.C. 102(e) as being anticipated by Murase et al (P.N.6,424,797) in view of Mori et al (P.N. 2006/0239647).

Murase et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claim 14, including the feature of providing video data and of providing management data indicating if the video data does not

include a still picture as specified in the present claim 14. Applicant's attention is directed to Murase et al's column 6, lines 31-39, where it is disclosed management information including the capability of indicating whether still picture will be reproduced during the reproduction of the video data from the recording medium.

Murase et al fail to disclose the claimed feature of the management data including clock reference information and still presentation information that indicate how long the still picture is to be reproduced as specified in claim 14.

Mori et al disclose a video/still picture recording/reproducing apparatus that shows the feature of the management data indicating how long a still picture is to be reproduced as specified in the present claim 14. (See Mori et al's page 15, paragraph [0249]).

It would have been obvious to one skilled in the art to modify the Murase et al's apparatus wherein the recording/reproducing means provided thereof would incorporate the capability of the management data including management information indicating how long a still picture is to be reproduced in the same conventional manner as is shown by Mori et al. The motivation is to have a better control during reproduction operation, thereby, increase the efficiency of the apparatus as suggested by Mori et al.

With regard to claims 26-28, the feature of the management area and the data area being separated by at least one header area including header information for the video data as specified thereof is present in Murase et al. (See Murase et al's Figure 1, where it is disclosed that the management data and the AV data are recorded as different files, and further, see Murase et al's Figures 2, and 37, where it is disclosed

that the video pack of the video data includes packet data and packet header which packet header would separate the management data from the video data).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshio et al (P.N. 6,266,478) disclose a video/still picture recording/reproducing apparatus that shows the feature of the management data indicating how long a still picture is to be reproduced.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ROBERT CHEVALIER** whose telephone number is

(571)272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT CHEVALIER/  
Primary Examiner, Art Unit 2621  
August 28, 2008.